



Office of the Attorney General
State of Texas

August 24, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Chris G. Elizalde
Walsh, Judge, Anderson, Underwood
& Schulze, P.C.
P. O. Box 2156
Austin, Texas 78768

OR92-506

Dear Ms. Elizalde:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16896.

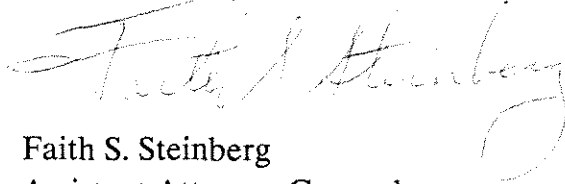
The Bandera Independent School District (the "district"), which you represent, received an open records request for a copy of, *inter alia*, "a comprehensive list of all members of employee organizations who are currently on payroll deduction and the amount deducted per pay." You contend that this information may be withheld pursuant to the right of free association under the First and Fourteenth Amendments to the U.S. Constitution, thereby bringing the information under the protection of section 3(a)(1) of the Open Records Act. Section 3(a)(1) of the act protects "information deemed confidential by law, either Constitutional, statutory, or by judicial decision."

Because we resolve your request on other grounds, we need not address your constitutional claims. A previous determination of this office, Open Records Decision No. 545 (1990), resolves your request. The requested information reflects the personal financial decision of the district's employees to have professional dues withdrawn from their paycheck and thus comes under the protection of common-law privacy. For this reason, the district may withhold the requested information pursuant to section 3(a)(1).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with

a published open records decision. If you have questions about this ruling, please refer to OR92-506.

Yours very truly,



Faith S. Steinberg
Assistant Attorney General
Opinion Committee

FS/RWP/lmm

Ref.: ID# 16896
ID# 16970

cc: Mr. George M. Bozovich
TSTA UniServ Director
Suite A-2
400 S. Getty Street
Uvalde, Texas 78801